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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/629,553      | 07/31/2000  | Stacy Haituka        | 72189/98118B        | 4088             |

7590 10/28/2003

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| EXAMINER |
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CHOUDHARY, ANITA

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2153

DATE MAILED: 10/28/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.



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24196 7590 09/26/2003

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EXAMINER

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**Office Action Summary**

Application No.

09/629,553

Applicant(s)

HAITSUKA ET AL.

Examiner

Anita Choudhary

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4, 8</u> . | 6) <input type="checkbox"/> Other:  |

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### **DETAILED ACTION**

Claims 1-29 are pending.

#### ***Priority***

Claim to priority to provisional application 60/160479 has been made in this application.

The effective filing date for the subject matter defined in the pending claims in the application is October 19, 1999.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Hoff et al (US Patent 5,959,623) in view of Rakavy et al. (US Patent 6,317,789).

In referring to claim 1 and 22, van Hoff shows a system for displaying advertisements to a user including a user connected to an online service (fig. 1 104) using a client application on a local device (105) including input and output devices (107). Van Hoff also shows:

- Activating a client application and establishing a communication channel from the local device to the online service (fig. 1, col. 2 lines 55- col. 3 line 3).
- Activating a browser application (col.3 line 33-37).

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- A client application causing at least one advertisement to be displayed on the output device of the local device (col. 4 lines 1-14).

Although van Hoff shows substantial features of the claimed invention, van Hoff does not show a system for detecting and notifying the user of inactivity. Nonetheless this feature is well known and would have been an obvious modification to the system disclosed by Rakavy.

In an analogous art, Rakavy shows a system for transmitting information to local computer during detection of inactivity (abstract). Rakavy shows:

- A client application monitoring the user's interaction with the local device with respect to the client application and thereby detecting whether the user is interacting with the online service (screen saver subsystem 220, col. 8 lines 6-13).
- A dialog is displayed on the output device notifying the user of inactivity after no interaction has been detected for a predetermined amount of time (col. 8 lines 14-23, col. 11 lines 54-67), wherein a display associated with a resource location is displayed in the dialog (location of advertisement, col. 7 line 31-39).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by van Hoff to employ the features shown by Rakavy in order to continue to advertise on the users display when resource utilization is low (see Rakavy, col. 2 lines 35-47).

In referring to claim 2 and 23, Rakavy shows a resource locator (pointer) is associated with advertisement (col. 7 lines 31-39).

In referring to claim 3, 13, and 24, van Hoff shows a play list (Ad list 162) comprising of ad objects wherein each ad object comprises resource locator (fig. 3 316) for an advertisement

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and at least one display attribute for the given advertisement (col. 3 lines 13-25), the first play list further specifying an order in which the advertisement identified in the play list are to be displayed (sequencing, col. 4 lines 15-19).

In referring to claim 4, 14, and 25, Rakavy shows pausing display on local device with respect to the client application if the user has not interacted with local device for predetermined amount of time (col. 8 lines 14-23).

In referring to claim 5, 11, and 19, Rakavy shows at least one advertisement displayed in a client window (Ad Window) displayed by the client application (col. 4 lines 11-14).

In referring to claim 6 and 26, Rakavy shows a client application determines that user is not interacted with local device with respect to client application for a predetermined amount of time if the user has not click on anything for a predetermined time (col. 8 line 5-13).

In referring to claim 7 and 27, in addition to the claim 6 above, van Hoff shows client window including a plurality of selectable items associated with a client application (col. 5 lines 12-19).

In referring to claims 8, 9, 28 and 29, Rakavy shows communication channel created by physical link between local device and online service via a PSTN or cable modem (col. 4 lines 56-col. 5 line 3, lines 20-27).

In referring to claim 10, in addition to claim 1 above, Rakavy shows a continuous permanent communication link (col. 5 lines 20-27). Rakavy also shows:

- The client application removing a window from the users display if the user has not interacted with the window for a predetermined amount of time (col. 8 lines 5-23).

In referring to claim 12, Rakavy shows the local device display re-displaying window when user interacts with system (screensaver subsystem col. 8 lines 2-37).

In referring to claim 15, van Hoff shows client window displayed on top of the browser window on the display device and prevents any other window to be displayed on top of the client window (dedicated space, col. 4 lines 11-14).

In referring to claim 16, Rakavy shows that other windows can be displayed on top of client window if the user has not interacted with the client window within a predetermined amount of time (col. 8 lines 14-23).

Claim 17 is for the most part a combination of claims 1, 3, and 4. Please refer to the rejections for claims 1, 3, and 4 above.

Claim 18 is also claims matter that has already been referred to in claim 1 and 2. Please refer to rejection for claims 1 and 2 above.

Claims 20 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over van Hoff in view of Rakavy as applied to claim 1-19 above, and further in view of Meyers et al. (US Patent 5,937,159).

Although van Hoff in view of Rakavy show substantial features of the claimed invention they do not show client application closing a communication channel after a predetermined amount of time. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by van Hoff in view of Rakavy as evidenced by Meyers.

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In an analogous art, Meyers show a system for secure access for users to a trusted computer system. Meyers enforces an idle session time-out, at which time the client application proceeds to close communication channel (col. 8 lines 11-30).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by van Hoff and Rakavy to employ the feature shown by Meyers in order to help prevent security issues such as user logging on to a service and then leaving it unattended (see Meyers, col. 8 lines 28-30).

In referring to claim 21, Rakavy shows communication channel created by physical link between local device and online service via a telephone connection (col. 5 lines 20-27).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Radziewicz et al. (US 5,854,897) shows a method for displaying advertisements to a user during idle time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC  
September 4, 2003



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100